MADDEN RANCH

Box .....
Index No. .....

This Abstract MUST be returned at once to
JAS. A. CLAYTON & CO.

ABSTRACT OF TITLE
OF PROPERTY OF

Adeline M. Smith
5 ac. Madden Tract.

75

# ABSTRACT OF TITLE

TO

Property of James Madden and Caroline Madden, part of Los Coches Rancho.

SW corner Madden + McKerby

COUNTY OF SANTA CLARA,
STATE OF CALIFORNIA,
AS SHOWN BY THE RECORDS OF SAID COUNTY.

Dated October 14, 1899.

MADE AT THE REQUEST OF
Jas. A. Clayton & Co.

**San Jose Abstract Company**
Bank of San Jose Building,
SAN JOSE, CALIFORNIA.

SAN JOSE ASTRACT CO.

This abstract belongs to Adelina M. Smith but may be used by other owners of the Madden Ranch and returned to her upon completion of examination

James A. Cearfoss

6/223

# Abstract
## of Title To

All that certain tract piece or parcel of land situate lying and being in the County of Santa Clara. State of California. Being a part of the Los Coches Rancho. bounded and described as follows. to wit: Beginning at a point in the center line of the Meridian line Road. at the S. E. corner of land of Smith. (formerly Parks) thence along the center line of said Road 1 19/100 chains to the center of the Los Gatos Creek. thence up the center line of said Creek in a South Westerly direction to the intersection with the Northerly line of land now or formerly owned by one Thomas thence S. 89½° W. 7.94 chains along the Northerly line of land of Thomas to the South Westerly line of the Los Coches Rancho. thence North Westerly along said line of said Rancho to the South Easterly line of the S. P. C. R. R. thence North Easterly along said line of said Rail road to the Southerly line of lands of Kelly. thence Easterly along the Southerly line of lands of Kelly and Ross. 24.71 chains. thence North 96 links. to the S. W. corner of land of Smith thence along line of land of Smith N. 89 30/100 East. 10 45/100

chains to the place of beginning.
Containing 55 acres more or less.

United States of America

To

Antonio Suñol
Paula Suñol de Sanservain
and Henry M. Naglee

Patent

Dated December 31. 1857.

Recites, That it appears from a duly authenticated filed in the General Land Office of the United States that pursuant to the provisions of the Act of Congress approved the third day of March 1851, entitled an act to ascertain and settle the private land claims in the State of California, Antonio Suñol, Paula Suñol de Sanservain and Henry M. Naglee as claimants filed their Petition on the 6th day of April 1852, with the Commissioners to ascertain and settle the private land claims in the State of California sitting as a board in the City of San Francisco in which petition they claimed the confirmation of their title to a tract of land situated in the County of Santa Clara known as Los Coches and containing half a square league of land, said claim being founded on a Mexican grant made to Roberto on

the 12th day of March 1844 by Manuel Michelltorena then Governor of California. That the board of land commissioners aforesaid on the 20th day of March 1855, rendered a decree of confirmation in favor of the petitioners as follows. Antonio Suñol al vs the United States. In this case on hearing the proofs and allegation it is adjudged by the commissioner that the claim of the said petitioners is valid and it is therefore decreed that the same be confirmed to them to have and to hold the premises hereby confirmed in the respective interests and parcels hereinafter specified. The land of which confirmation is hereby made to said petitioner Antonio Suñol is situated in Santa Clara county and is the same known by the name of Los Coches and which was granted to and formerly occupied by Roberto a Neophyte and is bounded and described as follows to wit: bounded on the North and North east by a line on the South side of the Alameda parallel to it and at the distance of twenty varas from it, on the East and South East by the river Guadalupe otherwise called the River of the Pueblo of San Jose and the Arroyo de los Gatos also called Arroyo "temporal de la Mojonera" on the South by the Oak Grove called "Torotal"

and on the West by a line commencing at the point where the line first above mentioned strikes the eastern edge of the swamp (Cienega) and running thence Southerly along the eastern side of said swamp and thence to the edge of the grove called "Torotal," running such course and striking the "Torotal" at such point as to include in said boundaries an area of one half a square league of land. Excepting from the said premises the interest therein and a portion thereof hereinafter described and confirmed to the other petitioners named in the case. The land hereby confirmed to the petitioners Henry M. Naylee and Paula Suñol de Sansevain is to each an equil undivided third part of that portion of the premises included in the boundaries above specified which is bounded and described as follows, to wit: commencing at the south east corner of the Bridge across the River de San Jose de Guadalupe near the Pueblo, thence up and along said River three hundred and nine feet (309 feet) to the stump of an ash tree upon the bank thereof, Thence by a line South twenty three degrees twenty five minutes West (S 23° 25' W.) one thousand two hundred and forty five feet (1245 feet) to a stake, thence south ten degrees forty five minutes

east (S10°.45 E) three thousand one hundred and five feet (3105 feet) to a stake, thence south fifty nine degrees five minutes east (S. 59°5 E) one thousand four hundred and fifty feet (1450 feet) to the Rio de los Gatos to a stake upon its bank. Thence north Fifty nine degrees five minutes west (N. 59°5 W) Twelve thousand nine hundred feet (12,900 feet) passing forty eight feet (48 feet) from an oak tree which is marked and which is one hundred and forty two feet (142 feet) within the line next referred to. Thence North thirty degrees fifty five minutes east (N 30°55' E) Eight thousand two hundred and sixty feet (8260 feet) to the Alameda. Thence by a line parallel to and twenty varas from the Alameda (on the south side of it) South Fifty nine degrees five minutes east (S 59°5' E) three thousand one hundred and Thirty two 63/100 feet (3132 63/100 feet to the angle of the Alameda. Thence by a line parallel to and twenty varas from the Alameda (and on the south side thereof) North seventy two Degrees East (72° East) to the end of it. Thence by a ditch to the river and thence up and along the river to the point of beginning. The true intent and meaning of this decree is to confirm to the above named three petitioners the portion last above described of the entire premises to hold

the same in equal undivided shares and ~~and~~ interests. And to confirm to said Suñol all the remainder of said entire premises first above described to hold in his own right and in severalty. Alpheus Felch - R. Aug Thompson - S. B. Farwell - Commissioners. And Whereas an appeal from said decision was taken in behalf of the United States to the District Court of the United States for the Northern district of California by which on the 15th day of April 1856 at a stated term the said decree or decision of the commissioners was affirmed. That it further appears from a certified transcript on file in the General land office that the Attorney General of the United States having given notice that no appeal to the Supreme Court of the United States would be prosecuted in this case the said District Court on the 24th day of December 1856 ordered adjudged and decreed that the claimants have leave to proceed under the decree of this court heretofore rendered in their Favour as on Final Decree. That under the 13th Section of the act of 3rd March 1851 there has been presented to the commissioner of the General Land Office a plat and survey of the tract of land confirmed as aforesaid, authenticated on the 4th day of February 1857, by the signature

of the Surveyor General of the Public lands in California which plat and certificate are in the words and figures following to wit: United States Surveyor General's Office San Francisco, California, Under and by virtue of the provisions of the 13th Section of the Act of Congress of the 3d of March 1851 entitled An Act to ascertain and settle the private land claims in the State of California and of the 12th Section of the Act of Congress approved on the 31st of August 1852. entitled, An Act making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June 1853 and for other purposes and in consequence of the annexed copy of a certificate of the United States Court for the Northern District of California having been filed in this office whereby it appears that the Attorney General of the United States having given notice that it was not the intention of the United States States to prosecute the appeal from the decision of the said district court by which it confirmed the decision of the board of land Commissioners appointed under the provisions of the said act of the 3d March 1851 to ascertain and settle the private

land claims in the State of California by which they recognised and confirmed the title and claim of Antonio Suñol, Paula Suñol de Sansevaine & Henry M. Naglee to a tract of land referred to in said Decree as containing not more than one half square league and designated in the original title papers thereof as being the Rancho de los Coches) the said appeal has been dismissed by the said District Court and thereby the said decisions in favor of the said Antonio Suñol, Paula Suñol de Sansevaine and Henry M. Naglee have become final I have caused the same to be surveyed in conformity to the grant of the same and the said decisions and do hereby certify the annexed Map to be a true and accurate plat of the said tract of land as appears by the field notes of the survey thereof made by William J. Lewis Deputy Surveyor in the month of January 1857 under the direction of this Office which having been examined and approved and now on file in this Office And I do further certify that under and by virtue of the said confirmation and survey, the said Antonio Suñol, Paula Suñol de Sansevaine and

Henry M. Naglee are entitled to a patent from the United States upon the presentation hereof to the General Land Office for the said tract of land the same being bounded and described as follows, to wit:
(then follows a description of the Los Coches Rancho, by metes and bounds, containing 2219 $\frac{34}{100}$ acres, and embracing within its boundaries the premises under search)
and being designated upon the plats of the public surveys as being lot number Thirty seven in Township Seven South of Range one East and Lot Number thirty seven in Township seven South of Range one West, Mount Diablo Surveys
Dated February 4. 1857,

(sigd) John C. Hays
U.S. Surveyor General for California.

Now Know Ye, That the United States of America in consideration of the premises and pursuant to the provisions of the Act of Congress aforesaid of 3rd March 1851 Have Given and Granted and by these presents do Give and Grant unto the said Antonio Suñol, Paula Suñol de Sausevain and Henry M. Naglee, and to their heirs the tract of Land embraced and described in the foregoing survey in the proportions assigned to each respectively by the aforesaid decision of the Board of Commis-

sioners affirmed as aforesaid but with the stipulation that in virtue of the 15th Section of the said Act, the confirmation of this said claim and this Patent shall not affect the interests of third persons. To Have and to Hold &c, with the stipulation aforesaid unto the said Antonio Suñol, Paula Sunol de Sauseraw and Henry M. Naglee and to their heirs and assigns forever in the aforesaid proportions as specified in the Decision of the Board of Land Commissioners and affirmed by judicial Decree as aforesaid.

(Seal) (Sig'd) By the President. James Buchanan
By Wm Flinn Asst Secretary

J. N. Granger Recorder, of the General Land Office

Recorded Volume 1 Pages 181 to 192 inclusive.

Recorded March 20. 1858.
(Then follows Decree of 3d District Court, declaring the above patent genuine and that it be so endorsed under the seal of the Court. Dated March 26. 1858. with seal attached)
Re Recorded March 27. 1858.
Liber "A" of Patents page 1.
Records of Santa Clara County.

Pedro Sanservain and
Paula Sanservain
his wife
To
Archibald C. Peachy
and Fredrick Billings

Deed

Dated March 5. 1856.

Consn $20,000

Do grant, bargain, sell, alien, remise, release, convey and confirm unto the said parties of the second part and to their several heirs and assigns forever, all their right, title and claim of in and to the Rancho or tract of land called "Los Coches" situate in the County of Santa Clara and State of California and being the same tract of land granted to one Roberto in the year 1840 by Manuel Mitcheltorena Governor of California and now owned by the parties of the first part, with Antonio Suñol & Henry M. Naylee excepting thirty two acres conveyed by Suñol to one Estevan Estevalo, and excepting one hundred acres of land embracing the Vineyard of the parties of the first part,

which last mentioned land and vineyard is held by said parties of the first part, above and reserved from the operation of this conveyance.

First parties covenant that said premises are not incumbered in any manner or way whatever except as stated in the above description of property.

(Sig'd) P. Sanservain (seal)
Paula Sanservain (seal)

Witness
Robt. C. Rogers }

Ack'd March 5. 1856.
Before Robert C. Rogers. N.P.

Recorded March 15. 1856.
Liber K. of Deeds page 191.

Antonio Suñol
and Dolores, his wife, and
Pedro Sanservain
and Paula, his wife of said Pedro
by Antonio Suñol
their attorney in fact

To

Archibald C. Peachy
and Fredrick Billings

Deed

Dated March 14. 1856.

Consn $5000. and for the further consideration of the sum of $15,000 promised & secured to be paid.

Do grant bargain sell convey and assign unto the said Archibald C. Peachy and Fredrick Billings, their heirs and assigns all the right, title, interest, and estate of the parties of the first part, in and to the tract of land known as the Rancho de los Coches containing one half a square league of land or about Two Thousand Two Hundred and Twenty acres of land, which was granted by Manuel Michelltorena Governor of the Department of Upper California, to one Roberto a Christianizer and emancipated Indian, on or about the

twelfth day of March A.D. one thousand eight hundred and forty four and by the said Roberto sold and conveyed to the said Antonio Suñol on or about the first day of January A.D. one thousand eight hundred & forty seven. Excepting from this Sale the following pieces of land, that is to say a piece of land containing One hundred and ninety eight acres, also a piece containing one hundred acres (neither of which affect the premises under search.)

(sigd) Antonio Suñol (seal)

Dolores her + mark Suñol (seal)

Pedro Sauservain by his (seal)

attorney in fact Antonio Suñol

Paula Sauservain by her (seal)

attorney in fact Antonio Suñol

Acknd March 14. 1856

Before J. Alexander Goell. N.P.

Recorded April 4. 1856

Liber "K" of Deeds page 223.

Pedro Sansevain and
Paula Sansevain
wife of said Pedro
To
Antonio Sunol

## Power of Attorney.

Dated March 5. 1856.

Do make constitute and appoint Antonio Sunol or in the event of his death or inability to act herein then Jean Louis Sansevain, our true and lawful attorney for us or either of us and in our names places and steads, to enter into and upon all lands, messuages, tenements, hereditaments and real estate whatsoever in said State of California whereof we or either of us are or may be in any way entitled or interested, to take the charge thereof and to grant bargain sell and convey or to lease the same or any part or parcel thereof in such way and upon such terms either for cash or upon credit &c as to my said attorney may seem fit or proper. And we do further authorize and empower our said attorney for us and in our or either of our names to make execute acknowledge and deliver such good and sufficient deeds &c, as in his opinion are

proper and necessary x x x as fully and amply to all intents and purposes and with equal force and effect as we might or could ourselves do if personally present &c

with power of substitution and revocation, hereby ratifying and confirming all and every act, deed and thing whatsoever which our said Attorney or his substitute shall lawfully do or cause to be done by virtue hereof.

(sig'd) P. Sancerain (seal)
Paula Sancerain (seal)

Witness
Robt C. Rogers

Ack'd March 5. 1856
Before Robt C. Rogers N. P. San Francisco

Recorded March 15. 1856.
Liber "N" Powers of Atty page 80.

Pedro Sauservain and
Paula the wife of said Pedro
To
Archibald C. Peachy
and Frederick Billings

Deed

Dated March 5. 1858.

Consn $1^{00} and other consn

Recites That the said parties of the first part by their deed dated March 5. 1856 and Recorded in Book K of Deeds pp 191 &c intended to grant bargain sell and convey unto the parties of the second part their heirs and assigns forever all their right and title in and to that certain tract of land or Rancho hereinafter particularly described and which said tract or Rancho was afterwards conveyed to the parties of the second part hereto by Deed dated and executed on the fourteenth day of March AD 1856 by Antonio Sunol and his wife for themselves and by the parties of the first part hereto by their attorney in fact the said Antonio Sunol which Deed is recorded in said records in Book K of Deeds pp 223 &c, Now for the

purpose of confirming said deed and correcting any errors or misdescriptions in them or either of them and fully carrying out the intention and understanding of said parties and for the further consideration of one Dollar to them each in hand paid &c, they the said parties of the first part Do by these presents grant bargain sell convey and assign unto the said Archibald C. Peachy & Frederick Billings their heirs and assigns all the right title interest and estate of the parties of the first part in and to the tract of land known as the Rancho de Los Coches containing one half a square league of land or about Two thousand Two hundred and Twenty acres of land which was granted by Manuel Micheltorena Governor of the Department of upper California to one Roberto a Christianized and Emancipated Indian on or about the twelfth day of March A.D. 18444 and by the said Roberto sold and conveyed to the said Antonio Sunol on or about the 1st January A.D. 1847, excepting a tract of 198 acres and another of 100 acres (neither of which affect the premises under search) The said Rancho de los Coches situate lying and being in the County of Santa Clara on the

South and West of the Alemada or Avenue between the City of San Jose and Santa Clara and bordering on the Guadalupe River and the arroyo de los Gatos and the interest and estate of the parties of the first part in the portion of the said rancho hereby conveyed or intended to be conveyed being the undivided one third part thereof. To have and to hold unto them the said Archibald C. Peachy and Frederick Billings their and each of their heirs and assigns forever as tenants in common and not as joint tenants to and for their sole use, benefit and behoof and for none other.

(sigd) P. Sansevaine (seal)

Paula Sansevaine (seal)

Witness
A. C. Campbell

Ackd March 19. 1858.

Before Saml Hermann N. P. San Francisco.

Recorded March 25. 1858.

Liber "L" of Deeds page 482.

Archibald C. Peachy
and Frederick Billings
To
Antonio Suñol

Mortgage

Dated March 14. 1856

To secure the payment of $15000 and interest.

Mortgages all that certain portion of land known as the "Rancho de los Coches" lying South of the Alameda road and Guadalupe river, containing our two thirds of about 1800 acres and being the same deeded to us by Anto Suñol and Pedro and Paula Sausevain by deed of even date herewith,

Recorded March 26. 1856.
Liber C of Morts page 101.

Canceled by a Certificate of Release dated March 27. 1858 duly signed and acknowledged by Antonio Suñol Recorded Mch 29. 1858 Liber A of Releases of Mortgs page 89.

Archibald C. Peachy

To

Frederick Billings

Deed

Dated August 14. 1863

Consn $10,875

Does grant, bargain and sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, All his right, title, interest and estate in and to that tract of land in the County of Santa Clara in the State of California known as the "Rancho De Los Coches" and being the tract of land for which a Patent was issued by the Government of the United States to Antonio Suñol, Paula Suñol de Sanservain and Henry M. Naylee, dated the 31st day of December AD. 1857, which said Patent is recorded in Book A of Patents in the Office of the Recorder of the said County of Santa Clara pages 1 to 6 inclusive, reference being had to said patent and Record for a more particular description

(sig'd) Archd. C. Peachy

Witness Alfred Barstow

Acknd August 18. 1863.

Before Alfred Barstow. N.P. San Francisco

Recorded October 2. 1863.

Liber "R" of Deeds page 405.

Hy M. Naglee and
Frederick Billings
By his atty in fact
D. B. Northrop
To
Edward H. Lenox

Deed

Dated February 29. 1868.

Con'n $8000.

44 66/1
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Do remise release and quit-claim unto the said party of the second part and to his heirs and assigns forever. All of that certain parcel of Land situated in the County of Santa Clara, State of California, part of the Rancho Los Coches and being more particularly described as follows, beginning at a point in the center of the Meridian line road, which is 44 66/100 chains North from the intersection of said middle of the Meridian line road with the South Western boundary line of said Rancho Thence west along the line of Jacob Maddin forty Three. 07. chains to said South Western Boundary line of the Rancho Los Coches, thence N.

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forty four degrees west Twenty six 59/100 chains along said boundary line, Thence East sixty one 53/100 chains to the middle of the Meridian line road. Thence South, along the middle of said Meridian line Rd nineteen & 13/100 chains to beginning, containing ninety nine and ninety nine one hundredth acres. First parties hereby agree to Warrant and defend the above described premises against Jacob Madden or any other person lawfully claiming under him

(sig'd) Henry M. Naylee (seal)

Fred^k Billings (seal)

by his Atty in fact

D. B. Northrop

Witness

G. W. Grannis

ackn'd March 2. 1868.

By D. B. Northrop as attorney in fact of Frederick Billings

Before J. H. Blood N. P. San Francisco

also March 6. 1868.

By Henry M. Naylee

Before A. B. Hunt N. P. Santa Clara Co.

Recorded March 7. 1868.

Liber 8 of Deeds page 438.

E. A. Lenox
To
H. M. Naglee and
Frederick Billings

Mortgage

Dated February 29. 1868.

To secure the payment of $2875 and interest

Mortgages all the following described parcel of land situate in the County of Santa Clara and State of California and being a part of that tract of land known as the Rancho Los Coches and bounded as follows: Beginning in the centre of the Meridian County Road at a point 44.66 chains North from the intersection of said road with the South West line of said Rancho Los Coches being the North East corner of the land of J. Madden thence along said road North 19.12 chains thence West 61.53 chains, thence along the South Western boundary of Los Coches Rancho S. 44° E 26.59 chains thence East 43.07 chains to the place of beginning. Containing one hundred acres more or less, Courses true. Mag. Var. 16½ E. as surveyed by Wm. Isaac.

Recorded March 10. 1868.

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Liber K of Morts page 541.

Satisfied in full on the margin of the record 8th March 1870 by "Henry M. Naglee for himself and Fredk Billings" and duly attested by County Recorder.

Edward H. Lenox
To
James Tormey

Mortgage

Dated February 15. 1869.

To secure the payment of $2800 and interest

Mortgages
(same tract of land as described in Liber 8 of Deeds page 438 Naglee & Billings to Lenox)

Recorded February 15. 1869.
Liber "N" of Mortgages page 338.

"Satisfied and Discharged in full" on the margin of the record "this 16th day of November AD 1869" by James Tormey and duly attested by the County Recorder

E. H. Lenox
To
James Tormey

Mortgage

Dated November 15. 1869.

To secure the payment of $2800 and interest

Mortgages
(same tract of land as described in Liber 8 of Deeds page 438 Naglee & Billings to Lenox.)

Recorded November 16. 1869
Liber "Q" of Mortg's page 195.

Satisfied in full on the margin of the record this 23d of Novr 1870 by James Tormey and duly attested by County Recorder.

E. H. Lenox
To
M. M. Chipman

Mortgage

Dated November 23. 1870.

To secure the payment of $2800 and interest

Mortgages
(same tract of land as described in Liber 8 of Deeds page 438 Naglee & Billings to Lenox - with a certain exception which does not affect the property under search)

Recorded Nov 23. 1870.
Liber "U" of Mortgages page 395

Satisfied and discharged in full on the margin of the record December 24. 1873 by M. M. Chipman and duly attested by County Recorder

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E. H. Lenox
To
M. M. Chipman

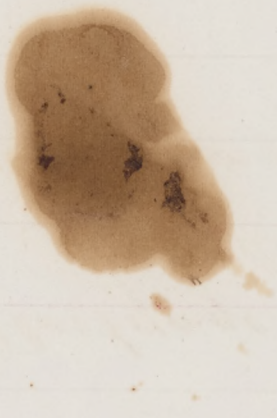
Mortgage

Dated December 20. 1873

To secure the payment of $1850.
and interest
Mortgages
(the one acre tract conveyed by Parks
and wife to James and George Madden
see page 49 of this abstract — and other
property — )

Recorded Dec 20. 1873.
Liber 10 of Mortgs page 178.

Satisfied in full on the margin of the
record Dec 8. 1875 by M. M. Chipman
and duly attested by County Recorder



E. H. Lenox
To
M. M. Chipman

Mortgage

Dated December 4. 1875

To secure payment of $1953 20/100
and interest
Mortgage
(the one acre tract conveyed by Parks
and wife to James and George Madden
see page 49 of this abstract — and other
property)

Recorded Dec 4. 1875
Liber 17 of Mortgs page 382.

Satisfied in full on the margin of the
record Nov 13. 1877 by M. M. Chipman
and duly attested by County Recorder.

E. H. Lenox
To
Dr. M. M. Chipman

Mortgage

Dated November 13. 1877.

To secure the payment of $2500 and interest

Mortgages
(the one acre tract conveyed by Parks and wife to James and George Madden, see page 49 of this Abstract – and other property)

Recorded Nov 13. 1877.
Liber 28 of Mortgs page 19.

Satisfied in full on the margin of the record October 26. 1878 by M. M. Chipman and duly attested by County Recorder.

Edward H. Lennox
To
Charles E. Parks

Deed

Dated October 24. 1888

Cons'n $9659

Does grant bargain sell and convey unto the said party of the second part and to his heirs and assigns forever all that certain tract or parcel of land lying situate and being in the County of Santa Clara and State of California being a portion of the Los Coches Rancho and described as follows, to wit: Beginning at a point in the center of the meridian line Road (so called) distant 44.66 chs. North from its intersection with the Southwestern boundary line of said Rancho thence Westerly along the line of land belonging to the estate of the late Jacob Madden 20.92 chs. to the Southeast corner of a tract of land lately conveyed by the said E. H. Lennox to J. H. Kelley thence North along the line of said Kelley's land to the Narrow Guage R. R. Company's road thence along said Narrow Guage

R. R. Company's road to the land belonging to J. B. Briggs thence Easterly along the line of said Briggs' land to a point in the center line of the aforesaid Meridian Road, thence South along said center line of said road 19.12 chains to the place of beginning containing 39 and one half acres more or less. Save and excepting all that certain piece and parcel of land now used as a roadway by the party of the first part herein and one J. H. Kelley the same to be used for no other purpose than as such roadway being 20.92 chains in length and twenty feet in width

(sig'd) Edward H. Lenox (seal)

Witness
J. L. Knapp }

Ack'n'd (by Edward H. Lennox) October 24. 1878.
Before J. L. Knapp. N. P.

Recorded October 26. 1878.
Liber 46 of Deeds page 393.

Charles E. Parks
To
Dr. M. M. Chipman

Mortgage

Dated October 26. 1878.

To secure the payment of $3295 and interest

Mortgages

(Same tract of land as described in Liber 46 of Deeds page 393 Lennox to Parks)

Recorded October 26. 1878.

Liber 32 of Morts page 34.

Satisfied in full on the margin of the record October 30. 1880. by M. M. Chipman and duly attested by County Recorder.

Charles E. Parks

## Declaration of Homestead

Dated January 29. 1879

Declares that he is married and at the time of making this declaration resides with his family on the land and premises situate lying and being in the County of Santa Clara, State of California bounded and described as follows, to wit: Being a portion of the Los Coches Rancho (same tract of land as described in Liber 46 of Deeds page 393 Lemmon to Parks.) Selects and claims the same as a homestead. The actual cash value of said property claimed as a Homestead is $8000.

(sig'd) Charles E. Parks (seal)

ack'd January 29. 1879.

Before William B. Hardy County Recorder

Recorded Jany 29. 1879.

Liber "D" of Homesteads page 248.

Charles E. Parks and
Catherine Parks
his wife
To
James Madden and
George Madden

Deed

Dated April 26. 1880.

Consn $200.

Does grant bargain sell and convey unto the said parties of the second part and to their heirs and assigns forever, All that certain lot piece or parcel of land situate lying and being in the County of Santa Clara State of California bounded and described as follows to wit: Beginning at a point in the center of the meridian line road, so called distant 44.66 chains north from its intersection with the South western boundary line of the Los Coches Rancho, thence running Westerly along the north line of land belonging to the Estate of the late Jacob Madden 10.46 chains to a stake thence North 95 6/10

links to a stake thence Easterly and parallel to the north line of said Estate 10.46 chains to the center of said Meridian line Road and thence along the center of said Road 95 6/10 links to the place of beginning. Containing One acre of land. Together with our homestead right therein excepting from this conveyance the crops now growing thereon, also the fence which is to be and remain the fence line between the parties of the 1st + 2nd parts said fence to be removed onto the line between the parties.

(sig'd) C. E. Parks (seal)

Catherine her + mark Parks (seal)

Witness

Thomas H. Cordell

Acknd April 26. 1880.

Before Thomas H. Cordell. N.P.

Recorded April 26. 1880.

Liber 55 of Deeds page 232.

Fredrick Billings
and Henry M. Naglee
To
Jacob Madden

Deed

Dated February 13. 1868.

Consn $3593 20/100

Do grant bargain sell remise convey and quit claim unto the said party of the second part and to his heirs and assigns forever, all the right title and interest of the said parties of the first part, all that certain piece or parcel of land situate in the County of Santa Clara and a portion of the Rancho Los Coches more particularly described as follows, to wit:

Beginning in the middle of the meridian line Road at a distance north — chains from the intersection of the same with the south western Boundary of the Rancho de los Coches thence west 43.07 chains to said South western boundary line, thence south 44° East 28.73 chains thence east along the line of _ Thomas land 7.95 chains to the middle of the course lately made by

water from the Los Gatos thence along the middle of the said water course made during December 1867 and January 1868 to the Place of beginning. Containing 55.28 chains

(sig'd) Fred'k W. Billings (seal)
by his atty in fact D. B. Northrop
Henry M. Naglee (seal)

Witness
G. W. Graves }

Ack'd February 13. 1868.
Before J. H. Blood N. P.

Recorded February 18. 1868.
Liber 8 of Deeds page 336.

Fredrick Billings
To
David B. Northrop

Power of Attorney

Dated December 27. 1860.

For me and in my name place and stead, and for my use and benefit, to bargain, contract, agree for, purchase, receive and take lands, tenements and hereditaments and accept the seizin and possession of all lands, and all deeds and other assurances in the law therefor, and to have, let, demise, bargain, sell, remise, release, convey, mortgage and hypothecate lands tenements and hereditaments, upon such terms and conditions and under such covenants as he shall think fit. × × × ×
With power of substitution and revocation Giving and Granting full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present, hereby ratifying and confirming all that my said Attorney

or his substitute shall lawfully do or cause to be done by virtue hereof.

(sig'd) Fredrick Billings (seal)

Witness
Henry Haight }

Ack'd December 27. 1860
Before Henry Haight N. P. San Francisco.

Recorded Feby 12. 1861.
Liber "A" Powers of Atty page 395.

Henry M. Naglee
To
Jacob Maddin
(coloured man)

Deed

Dated March 6. 1868

Consn $5.

Does remise release and quit-claim unto the said party of the second part, and to his heirs and assigns forever, All of that certain parcel of land situated in the County of Santa Clara part of the Rancho los coches and being more particularly described as follows, beginning at a point near the North Eastern corner of the land lately sold to said Maddin by said Henry M. Naglee and Fredk. Billings twenty feet South of said corner at a point where the northern Bank of the creek lately cut by the water from the Arroya de los Gato ~~thence along the west~~ crosses the Western line of the Meridian line road, Thence along the Western line of the Meridian line road sixty feet, Thence by a line parallel with the middle of said creek lately made, to the

line of said Jacob Maddin, thence East along the line of said Maddin to the Meridian line road, containing part of one acre

(sig'd) Henry M. Naylee (seal)

Acknd March 7. 1868.

Before A. B. Hunt N.P.

Recorded March 7. 1868.

Liber S of Deeds page 437.

Frederick Billings
By his attorney in fact
George W. Grannis
To
Henry M. Naglee

Deed

Dated October 13. 1870

Con'n $33,333 $\frac{33}{100}$

Doth grant bargain and sell, unto the said party of the second part and to his heirs and assigns forever, All his right, title, interest, and estate in and to that tract of land in the County of Santa Clara, in the State of California known as the "Rancho de Los Coches" and being the tract of land for which a Patent was issued by the Government of the United States to Antonio Suñol, Paula Suñol de Sansevain, and Henry M. Naglee, dated December 31st 1857, which said Patent is Recorded in Book A of Patents in the Office of the Recorder of the said County of Santa Clara pages 1 to 6 inclusive, reference being had to said Patent and Record for a more particular description.

(sig'd) Frederick Billings (seal)
By his attorney in fact
George W. Granniss

Witness
I. H. Blood

Ack'd October 14. 1870
Before I. H. Blood N. P. San Francisco

Recorded Oct 18. 1870.
Liber 19 of Deeds page 219.

Frederick R. Billings
To
George W. Granniss

Power of Attorney

Dated April 13. 1869

Do make constitute and appoint George W. Granniss of said City of San Francisco my true and lawful attorney for me and in my name, place and stead to take possession of and exercise general control over my interests in the tract of land, situated in the County of Santa Clara in said State of California, and adjoining the City of San Jose in said County and known as the Rancho Los Coches and now owned by Henry M. Naglee and myself, to grant, bargain and sell the same, or any part thereof, for such price, and on such terms as to him shall seem meet and in my name to make, acknowledge and deliver good and sufficient conveyances for the same either with or without covenants of warranty, giving and granting unto my said attorney full power and authority to do and perform all and every act

and thing whatsoever requisite and necessary to be done in and about the premises, as fully, to all intents and purposes, as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney or his substitute shall lawfully do or cause to be done by virtue hereof.

(sig'd) Frederick Billings (seal)

Witness
Oliver P. C. Billings }

Ack'd April 13. 1869.

Before Oliver P. C. Billings a Commissioner for California in New York.

Recorded December 29. 1869.

Liber "B" Powers of Attorney page 302.

In the Probate Court, County of Santa Clara,
State of California.

In the matter of the Estate
of
Jacob Madden, deceased,

Reg.r C. page 387 Case No 867.

1875
Feby 6 Last Will filed
"In the name of God, Amen.
"I Jacob Madden residing in the County
"of Santa Clara and State of California,
"being of sound mind and memory, and
"considering the uncertainty of life do
"therefore make, ordain, publish and declare
"this to be my last will and testament.
"That is to say: 1st After all my lawful
"debts are paid and discharged, I give,
"bequeath and devise to Mary Galloway
"my Stepdaughter one thousand Dollars
"in current Gold or Silver coin of the
"United States of America.
"2nd I give, bequeath and devise all my
"real and personal property, be the same
"in money, gold, silver, wares and mer-
"chandise or of whatsoever nature or

1875 "kind to my beloved children, Sons and
"daughters, that is say, John Madden,
"George Madden, James Madden,
"Manerva Madden, and Clara who
"is married to Milton Maddox, in
"equal portions to share and share
"alike.

"3rd That in case of the death of the
"above legatees or devisees or any of them
"during my life, then the property both
"real and personal bequeathed to them
"or him or her respectively, I give and
"bequeath to the survivors or survivor of
"them equally to share and share alike.

"4th I make and appoint John H. Moore
"atty at Law, San Jose California and
"E. P. Reed Banker, San Jose, California,
"Executors of this my last will and
"testament

" Jacob his + mark Madden (seal) "

"Oct 23. 1865.

Witnesses
James T. Hester
T. H. Laine

---

Feby 10 Petition of John H. Moore and E. P. Reed
for Probate of Will filed, shows:
That Jacob Madden died on or about

the 1st February 1875 at the County of Santa Clara and State of California.

That said deceased at the time of his death was a resident of and left estate in said County and State consisting of real and personal property:

That the probable revenue and character of the said property are as follows, to wit:

Real estate consisting of 55 acres of Los Coches Rancho worth $100 per acre (and other property)

That the estate and effects, for or in respect of which the probate of the will hereinafter mentioned is hereinafter applied for, does not exceed the sum of 30 to 35,000 dollars.

That said deceased left a will which is herewith presented.

That John A. Moore and E. P. Reed are named in said will as executors thereof; and Jacob Madden was aged about 75 years, residing at the time of death in said County of Santa Clara &c, and by said will, Mary Galloway, John Madden, George Madden, James Madden, Minerva

1875 Madden, now Minerva Lewis, and Clara Maddox are named therein as devisees.

That the next of kin and heirs at law of said testator, and the names age & residence of said heirs—

Mary Gallaway aged about 40 years, residing at Santa Clara County,

John Madden age 37 years,

George Madden age 35 years,

James Madden age 25 years,

Minerva Madden, since ~~since~~ intermarried with ___ Lewis age about twenty Two years and Clara age 30 years intermarried with Milton Maddox all resides in Santa Clara County California, except Minerva Lewis who resides at Redwood City San Mateo County, California.

That at the time said will was executed, to wit: on the said 23d day of October 1865 said testator was of the age of 65 years or thereabouts, and was of sound and disposing mind &c, and in every respect competent, by last will, to dispose of all his estate:

Wherefore pray, &c.

Feby 10 Order appointing Feby 27. 1875 for hearing on said petition, that notice be given by publication not less than 10 days before said date in the San Jose Daily Mercury a newspaper &c,

And that copies of said notice be addressed to the heirs of said testator resident in this State at their respective places of residence as set forth in said petition, and deposited in the United States Post Office at the City of San Jose &c, with the postage thereon prepaid at least 10 days before said date, made entered and filed.

---

" 12 Affidavit of M. J. Ashmore, that on Feb 12. 1875 he mailed in an envelope, sealed, with the postage prepaid thereon, a notice (copy of printed notice attached) to each of the following named persons, Clara Madox, John Madden, James Madden, and Mary Galloway at San Jose, Santa Clara County, and also to Mrs Minerva Lewis at Redwood City, San Mateo County, of the time appointed for proving the will, and addressed to each of them at their place of residence as aforesaid,

1875 filed.
Duly Verified

---

Feby 19 Subpoena issued to Thomas A. Laine

---

" 20 Subpoena filed with affidavit of J. A. Adams Shff, by A. Sellmann Dpty Sheriff of personal service on Feby 20. 1875, upon Thomas A. Laine in Santa Clara County

---

Mch 6 Affidavit of J. J. Owen of publication of notice of hearing on petition for probate of will in the San Jose Daily Mercury a newspaper &c for 15 consecutive days from Feby 12. 1875 to Feby 27. 1875, that is to say daily Mondays excepted &c, filed. Duly Verified.

---

" " Testimony on proving Will and Certificate of proof of Will filed - and recorded.

---

" " Order admitting Will to Probate, that E. P. Reed and John A. Moore be and they are hereby appointed Executors, and that Letters Testamentary issue to them upon giving the bond required by law in the sum of $20,000 and upon taking the

oath as required by law, made entered and filed.

---

" " Will Roll filed

---

" 13 Affidavit of J. J. Owen of publication of notice of hearing on petition for probate of will in the San Jose Daily Mercury, a newspaper &c, for 13 consecutive days from Feby 12. 1875 to Feby 27. 1875, that is to say daily, Mondays excepted &c, filed Daly Verified

---

" 19 Bond of John A. Moore Co-Executor, filed and recorded.

---

" " Bond of E. P. Reed Co-Executor, filed and recorded.

---

" " Letters Testamentary issued to E. P. Reed & John A. Moore, recorded (with oaths attached) and duplicate filed.

---

" " Order appointing J. E. Rucker, Thomas Lilley and J. A. Morgan, Appraisers, made, entered and filed.

---

" 25 Inventory and Appraisement filed, shows:

1875.

## Real Estate.

$55\frac{28}{100}$ Acres of land N. by land of Lenox, E by Los Gatos Creek, S by land of Conant . . . . . $14950.00

(and other real property) . . . . 9.250.00

Personal Property . . . . . 15.089.00

Total appraised Value of Estate . . . . $29,289.00

---

Mch 25 Order that notice to creditors be given by publication in the San Jose Daily Mercury a newspaper &c, at least once a week for four weeks, made, entered and filed.

1876

---

Feby 19 Final Account of Executors filed (preceding said account and attached thereto is Inventory of property in their hands, in which the real estate is described, same as in Inventory filed Mch 25. 1875)

---

" " Order appointing March 4. 1876 for hearing on settlement of Account and that notice thereof be given by posting according to law, and that a copy hereof be personally served on each of the persons interested in said estate by will or inheritance at least 10 days before said hearing, made entered and filed.

---

Attached thereto is affidavit of E. P. Reed "that he personally served the within notice "on all parties interested in the estate of "Jacob Madden deceased, more than ten "days before this date by delivering to each "of them a copy hereof" &c
Duly Verified

---

" " Affidavit of M. J. Ashmore of posting notices of hearing on settlement of a/c and Distribution in 3 of the most public places within said County of Santa Clara (naming them) filed.
Duly Verified

---

Mch 4 Decree of Distribution made, entered and filed, shows (among other things)

That due and legal notice to creditors was published, and that a true inventory and appraisement of said estate were duly made and returned to this Court.

That more than eleven months have elapsed since the appointment of said Executors, and more than ten months have expired since the first publication of said notice to creditors:

That the said Executors have fully accounted for all the estate that has

1876 come to their hands, and that the whole estate, so far as has been discovered has been fully administered, and the residue thereof, consisting of the property hereinafter particularly described is now ready for distribution:

That all the debts of said deceased, and of said estate and all the expenses of the administration thereof thus far incurred, and all taxes that have attached to or accrued against the said estate have been paid and discharged, and said estate is now in a condition to be closed:

That the whole of said estate is seperate property.

That the said Jacob Madden died testate in the County of Santa Clara on Feby 1. 1875, leaving him surviving his sons John Madden, George Madden & James Madden and his daughters Clara Maddox and Minerva Lewis and his stepdaughter Mary Galloway.

That to Mary Galloway, said deceased left by said will the sum of $1000, and the whole of the remainder of said estate in equal shares to his said children

John Madden, George Madden, James Madden, Clara Maddox and Minerva Lewis.

It is Hereby Ordered, Adjudged and Decreed: That all the acts and proceedings of said Executors as reported to this Court, and as appearing upon the records thereof, be and the same are hereby approved and confirmed and that the residue of said estate hereinafter particularly described and now remaining in the hands of said Executors, and any other property not now known or discovered, which may belong to the said estate or in which the said estate may have any interest, be and the same is hereby distributed as follows, to wit:

One Thousand Dollars in gold coin to Mary Galloway and the remainder of such estate as shown by the final account of said Executors this day approved, in equal shares to John Madden, George Madden, James Madden, Clara Maddox and Minerva Lewis.

And it is Further Ordered: That the said Executors upon payment and delivery of the said residue as hereinbefore ordered, and upon filing due and proper vouchers and

1876 receipts therefor in this Court, be fully and finally discharged from their trust as such Executors, and that their sureties shall thereupon and thenceforth be discharged from all liability for their future acts. The following is a particular description of the said residue of said estate referred to in this decree, and of which distribution is ordered, adjudged and decreed, as aforesaid, to wit:
"The property shown by said final account, "reference to which is hereunto had and made "a part hereof"
March 4. 1876.

---

Mch 4 Joint Receipt of John Madden, George Madden, James Madden, Minerva Lewis, and Clara Maddox, children of Jacob Madden, deceased, and Mary Galloway, step-daughter of said deceased for their distributive shares of the residue of said estate, and consent to discharge of Executors, filed.

---

" " Decree of Settlement of Final Account of Executors made entered and filed.

---

" " Ordered Adjudged and Decreed, That

said Executors have fully and faithfully discharged the duties of their trust; that they are hereby wholly and absolutely discharged from all further duties and responsibilities as such Executors, and that their Letters testamentary are hereby vacated; that the said Estate is declared fully distributed, and the trust settled, and closed; and the said E. P. Reed and J. H. Moore and their sureties are hereby released from any liability to be hereafter incurred, entered and filed.

---

Note. No affidavit of publication of Notice to Creditors is on file, nor any mention of one having been filed appears on the record - neither has any Decree - of due and legal notice having been given - been made in this Estate.

---

Note. On January 31, 1885 - there was filed in said estate the Affidavit of J. J. Owen Printer of the "San Jose Daily Mercury" showing publication of Notice to Creditors in said estate, in said newspaper, from March 27 - 1875 to April 27th 1875, daily, Mondays excepted,

POMEROY & HOWES,
SEARCHERS OF RECORDS,
Rooms 9 & 10 Martin Block,
SAN JOSE CAL.

John Madden
Clara Maddox, formerly Madden,
and Milton Maddox, her husband,
and Minerva Lewis, formerly Madden,
and Walter Lewis, her husband.

To

George Madden and
James Madden.

Deed

Dated May 16. 1876.

Consn $3500.

Do grant bargain and sell, convey and confirm, unto the said parties of the second part and to their heirs and assigns forever, all the following described tracts of land lying and being in the County of Santa Clara, State of California, to wit: That certain tract of land described as,

Beginning in the middle of the Meridian line road at a distance North chains from the intersection of the same with the southwestern boundary of the Rancho de Los Coches = thence West 43.07 chains to said southwestern boundary line, thence South 44° East 28.73 chains, thence East along the line

of Thomas land 7.95 chains to the middle of the gulch lately made by water from the Los Gatos; thence along the middle of said water course made during December 1867 and January 1868 to the place of beginning, containing 55.25 acres. (and other property)

being a portion of the Los Coches Rancho

(sigd) John his + mark Madden (seal)

Clara her + mark Maddox (seal)

Milton Maddox (seal)

Mère Minerva C. Lewis (seal)

Walter Lewis (seal)

Witness
James A. Clayton }

Ackn'd May 16. 1876.

(Minerva Lewis acknowledges as Minerva Lewis and not as Minerva C. as in signature)

Before James A. Clayton N.P.

Recorded May 17. 1876.

Liber 40 of Deeds page 250.

George and James Madden
To
South Pacific Coast
Railroad Company

Deed

Dated January 19. 1877.

Conc'n $50.

Do grant bargain sell and convey unto the said party of the second part, and to its heirs and assigns forever, all that certain piece or parcel of land lying in the County of Santa Clara State of California being a part of Los Coches Rancho and described particularly as follows, viz:

Beginning at a point in the dividing line between lands belonging to J. H. Kelley and lands of said first parties said point being S 73° W nine hundred and seventy four (974) feet from the South west corner of lands belonging to E. H. Lenox, thence S. 24° 45' W. Three hundred and fifty five (355) feet to a point in the line dividing lands of said first parties and lands of Alfred Barston said point being N 61° 15' W six hundred

77

and four (604) feet along said dividing line from the Northerly line of lands of G. W. Blackford, all the above courses being magnetic, containing 31/100's of an acre of land.

(sig'd) George his mark × Madden (seal)
James Madden (seal)

Witness
J. L. Romer

Ack'd January 19. 1877.
Before E. W. Aram. N. P.

Recorded Jany 26. 1877.
Liber 44 of Deeds page 188.

James Madden and
George Madden
To
John D. Guerraz

Mortgage

Dated March 21. 1879.

To secure the payment of $1200. one year after date with interest thereon from date until payment at the rate of one per centum per month, payable quarterly, and if not so paid to be compounded. Mortgages, all that certain piece and parcel of land situate in the Township of San Jose, County of Santa Clara, State of California, bounded and described as follows, to wit: Beginning in the middle of the Meridian line road at a distance North _ chains from the intersection of the same with the South-western boundary of the Rancho de Los Coches, thence West 43.07 chs to said Southwestern boundary line, thence S. 44° E. 28.73 chs. thence East along the line of Thomas nor Conants land 7.95 chs. to the middle of the gulch lately made by water from the Los Gatos, thence

79

along the middle of said water course made during December 1867 and January 1868 to the place of beginning, containing 55.28 acres.

(sig'd) James Madden (seal)
George his + mark Madden (seal)

Witness
B. F. Clayton

Ack'n'd March 21st 1879.
Before B. F. Clayton. N. P.

Recorded March 21st 1879.
Liber 33 of Mortgs page 370.

Satisfied in full on the Margin of the record May 6th 1884 by J. W. Murray and attested by County Recorder,

P. S.

POMEROY & HOWES,
SEARCHERS OF RECORDS,
Rooms 9 & 10 Martin Block,
SAN JOSE CAL.

J. Madden
by Tax Collector
To
Jas A. Clayton

## Certificate of Tax Sale

Dated February 28. 1878.

For non-payment of State and County Taxes for Fiscal year 1877-78 sold "In Santa Clara Twp N E 1/45 of 55 acres of land bounded N by land of Kelly and Lenox S and E by Los Gatos Creek W by land of Blockford" for $65 68/100

Recorded March 5. 1878.
Liber 1 Certs of Tax Sales page 294

With the following marginal note.
"Redeemed this 9th day of March 1878
" by J. Madden
" W.B. Hardy. Recorder
" R. S. Williams. Deputy"

James Madden and
George Madden
To
Alfred Barstow

Deed

Dated January 29. 1883.

(no consideration)

Do Grant unto Alfred Barstow all that certain Real Property situated in the said County of Santa Clara and bounded and described as follows: Commencing at the point of intersection of the Northerly line of the right of way of the South Pacific Coast Railroad with the Westerly line of Los Cochos Rancho, and running thence North 61° 15' W. three hundred and forty eight 9/10 feet, thence N. 73° E. four hundred and sixty six 6/10 feet more or less to the Northerly line of the Right of way of said Railroad thence South 24° 45' West along said last mentioned line three hundred and thirty feet more or less to the place of beginning. The premises hereby conveyed being a triangular piece of ground bounded Northerly by land of J. H. Kelley Southerly by said Railroad

and Westerly by the Westerly line of Los Cochos Rancho, and containing one acre of land a little more or less.

(sig'd) James Madden (seal)
George his × mark Madden (seal)

Witness
George Madden
James B. Capp

Ackn'd January 29. 1883.
Before James B. Capp. N.P.

Recorded Jan 30. 1883.
Liber 66 of Deeds page 306.

Taxes.

State and County

1870 & 71 to 1876 & 77 Paid

1877 & 78 Paid by sale and Redeemed.

1878 & 79. to 1883 & 84. Inclusive Paid

No Judgment Liens.

San Jose Cal.

January 18th 1884. at 10.30 A. M

Thomas H. Cordell and

Edward Halsey

Searchers of Records

# Continuation of The Foregoing Abstract.

AS TO

THE INTEREST OF

JAMES MADDEN and GEORGE MADDEN,

George Madden and

James Madden,

TO

Hermann Hannemam,

DEED

Dated January 9th.1884.

Cons.$2000.oo

Grant,bargain,sell,convey and confirm unto the said party of the second part,and to his heirs and assigns forever,all that certain lot, piece or parcel of land situate in the County of Santa Clara,bounded and described as follows,to wit:

Beginning at a stake standing in the South line of land of Kelley. N. 89° 30' E. 3.42 chs distant from the point of intersection of the South line of lands of said Kelley with the South East line of the South Pacific Coast Railroad; running thence along the South line of lands of said Kelley,N. 89° 30' E. 6.52 chs to a stake; thence S. 0° 35' E. 18.79 chs to a stake in North Easterly line of lands of Blackford and in the South Westerly line of the Los Coches Rancho; thence along the South Westerly line of said Rancho,N. 44° W. 9.47 chs to a stake; and thence N. 0° 30' W. 11.91 chs to the place of beginning, and Containing 10 acres of land,and being a portion of the Los Coches Rancho. Courses true. Mag. Var. 16° 30' East

Excepting and reserving from the above described lands for the purpose of a perpetual right of way,a strip of land 30 feet wide,beginning South of and parallel to the South line of land of said Kelley and granting to said second party,and to his heirs and assigns,the

SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

perpetual right of way for the purpose of a road way from the public Road known as the Meridian Road to above described 10 acre tract. Said road way extending from said 10 acre tract and along the Northerly line of lands of first parties, 30 feet in width to the said Meridian Road.

his
George x Madden, (SEAL)
mark

James Madden, (SEAL)

Witness to the signature of George Madden, by his mark,

James B. Capp,

Acknd. January 23rd. 1884.

Before James B. Capp N.P.

Recorded January 23rd. 1884.

Book 72 of Deeds, Page 50.

SAN JOSE ABSTRACT TITLE & TRUST CO
SAN JOSE, CAL.

George Madden and

James Madden,

TO

Mary Jane Wade,

DEED

Dated January 15th.1884.

Cons.$1000.oo

Grant,bargain,sell,convey and confirm unto the said party of the second part,and to her heirs and assigns forever,all that certain lot, piece or parcel of land situate in the County of Santa Clara,bounded and described as follows,to wit:

Beginning at point of intersection of the South line of land of Kelley with the South East line of the South Pacific Coast Railroad; Running thence along the South line of lands of said Kelly,N. 89° 30' E. 3.42 chs to a stake; thence S. 0° 30' E. 11.91 chs to a stake on North Easterly line of land of Blackford; and on South Westerly line of the Los Coches Rancho; thence along the South Westerly line of said Rancho,N. 44° W. 10.53 chs to the South East line of said Railroad; and thence along the Southeast line of said railroad,N. 41° 15' E. 5.75 chs to the place of beginning,and Containing 5 acres of land,and being a portion of the Los Coches Rancho. Courses true. Mag.Var. 16 1/2° East; also granting to said second party,her heirs and assigns, the perpetual right of way for the purposes of a road way over a strip of land 30 feet in width,and extending along the Northerly line of lands of first parties,from the County Road,known as the Meridian Road,to the 5 acre tract above described.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

his
George x Madden, (SEAL)
mark

James Madden, (SEAL)

Witness to signature of George Madden,by his mark,

James B.Capp,

Acknd. January 24th.1884.

Before James B.Capp,N.P.

Recorded January 25th.1884.

Book 72 of Deeds,Page 71.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

George Madden and

James Madden,

TO

Moses F. Billings,

DEED

Dated January 23rd.1884.

Cons.$2000.oo

Grant,bargain,sell,convey and confirm unto the said party of the second part,and to his heirs and assigns forever,all that certain lot, piece or parcel of land situate in the County of Santa Clara,bounded and described as follows,to wit:

Beginning at a stake standing on the Southerly boundary of lands of Ross,N. 89° 30' E. 14.79 chs distant from the point of intersection of South line of land of Kelly with the South East line of the South Pacific Coast R il road; running thence along the South line of land of said Ross,N. 89° 30' E. 4.79 chs to a stake; thence S.0° 40' E. 20.89 chs to a stake standing on North line of land now or formerly owned by Thomas,and near the bed of the Los Gatos Creek; thence along the North boundary of lands of said Thomas,S. 89° 30' W. 4.79 chs to a stake; and thence N.0° 40' W. 20.89 chs to the place of beginning. Containing 10 acres of land and being Lot No. 3 of the Subdivision of the property of the Madden Bros.as shown on a Map made by John Coombe Surveyor and C.E.,January 1881 and being a portion of the Los Coches Rancho.

Excepting and reserving from the above described lands for the purpose of a perpetual right of way,a strip of land 30 feet wide,ly-

SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

ing South of and parallel to the South line of land of said Ross and granting to the said second party,his heirs and assigns,the perpetual right of way for the purpose of a road way over a strip of land 30 ft in width,and extending along the Northerly line of land of said first parties from the County Road,known as the Meridian Road to the ten acre tract above described.

his
George x Madden, (SEAL)
mark

James Madden, (SEAL)

Witness to signature of George Madden,by his mark.

James B.Capp,

Acknd. January 24th.1884.

Before James B. Capp,N.P.

Recorded January 24th.1884.

Book 72 of Deeds,Page 62.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

George Madden and

James Madden,

TO

William M. Landes and

Milton Grimes,

DEED

Dated January 25th.1884.

Cons.$2000.oo

Grant,bargain,sell,convey and confirm unto the said parties of the second part, to their heirs and assigns forever,all that certain lot, piece or parcel of land situate in the County of Santa Clara,State of California,bounded and described as follows,to wit:

Beginning at a stake standing in the South line of lands of Kelly N. 89° 30' E. 9.90 chs distant from the point of intersection of the South line of lands of said Kelly,with the South East line of the South Pacific Coast Railroad; running thence along the South line of land of said Kelly,N. 89° 30' E. 4.89 chs to a stake on South line of land of Ross; thence S. 0° 40' E. 20.89 chs to a stake on North line of lands now or formerly owned by Thomas; thence along the North line of lands now or formerly owned by Thomas,S. 89° 30' W. 2.85 chs to a post marked "M.B" in fence on South West line of the Los Coches Rancho and on the North East line of lands of Blackford; thence along the South West line of the Los Coches Rancho and North East line of lands of said Blackford,N. 44° W. 2.96 chs to a stake; and thence N. 0° 40' W. 18.79 chs to the place of beginning. Containing 10 acres of land and being Lot 4 of the subdivision of the Madded Tract being a por-

SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

tion of the Los Coches Rancho.

Excepting and reserving from the above described land for the purposes of a road a strip of land 30 feet wide, lying South of and parallel to the South line of lands of Kelly and Ross, and granting to said second parties the right of way for the pupose of a road way over a strip of land 30 feet wide lying along the North line of said first parties and extending from the County Road to the Ten acre tract in this deed first described.

his
George x Madden, (SEAL)
mark.

James Madden, (SEAL)

Witness to signature of George Madden, by his mark,

Jas. B. Capp,

Acknd. January 25th. 1884.

Before James B. Capp, N.P.

Recorded January 25th. 1884.

Book 72 of Deeds, Page 66.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

George Madden and

James Madden,

TO

George A. Flemming,

DEED

Dated January 28th.1884.

Cons.$2000.oo

Grant,bargain,sell,convey and confirm unto the said party of the second part,and to his heirs and assigns forever,all that certain lot, piece or parcel of land situate in the County of Santa Clara,bounded and described as follows,to wit:

Beginning at a stake on the South line of land of Ross,N. 89° 30' E. 19.58 chs distant from the point of intersection of the South line of land of one Kelly with the South East line of the South Pacific Railroad; and running thence along the South line of land of said Ross N. 89° 30' E. 5.13 chs to the S.E.corner of land of said Ross; thence along the East line of lands of said Ross,N. 0° 30' W. 0.96 chs to the S.W.corner of lands of Smith; thence along the South line of land of said Smith,N. 89° 30' E. 45 1/2 lks; thence S. 0° 40' E. 17.20 chs to the center of the Los Gatos Creek; thence up the center of said Creek S. 58° W. 2.68 chs; S. 46° 45' W. 3.43 chs; and S. 28° 30' W. 1.03 chs to land now or formerly owned by one Thomas; thence S. 89° 30' W. 30 lks; and thence (leaving said creek) N. 0° 40' W. 20.89 chs to the place of beginning. Containing 10.30 acres,being a portion of the Los Coches Rancho.

Excepting from the foregoing described land a strip of land 30 ft

SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

wide South of and parallel to the South boundary of land of Ross; and a strip of land 60 feet wide South of and parallel to the South boundary of land of Smith; said strip 60 feet wide extending from the East line of land of Ross from where said East line of Ross intersects the tract of land above described,Easterly 30 feet; said strip of land reserved for the purposes of a road and for a perpetual right of way, and reserving unto second party a perpetual right of way over a narow strip of land 30 feet wide,extending along and parallel to the South line of land of Smith from the East line of the Ten acre lot above described to the County Road,known as the Meridian Road.

his
George x Madden, (SEAL)
mark

James Madden, (SEAL)

Signed,executed and delivered in the presence of
James B.Capp,

Acknd. February 11th.1884.

Before James B.Capp,N.P.

Recorded February 15th.1884.

Book 72 of Deeds,Page 123.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

Water Claim

OF

Moses F. Billings,

I. J. Comer,

Joe R. Boyd, and

Milton Grimes,

Dated November 4 h.1889.

Notice is hereby given that the undersigned claim the waters naturally flowing in the Los Gatos Creek to the amount of 5000 gallons per minute, the same to be diverted from said Creek by aid of steam pumps, or other mechanical appliances to be erected upon the North bank of said Creek 1/4 of mile up the Creek from the point where the Meridian Road crosses the Creek, from there to be conveyed in a Northerly direction by means of ditches, flumes and pipes for the purpose of irrigating lands in Santa Clara County.

Acknd, November 6th.1889.

Before J.H.Russell, N.P.

Recorded November 6th.1889.

Book R Miscellaneous, Page 312.

SAN JOSE ABSTRACT TITLE & TRUST CO
SAN JOSE, CAL.

Declaration of Homestead

OF

Caroline Madden,

Dated August 10th.1892.

Do certify and declare that I am the wife of George Madden, (colored) and that I do now,at the time of making this declaration, actually reside with my husband and family on the lot of land and premises hereinafter described,that the land and premises on which I reside are bounded and described as follows,to wit:

Bounded on the North by lands of A.M.Smith,and Macellus Ross; on the South and East by Los Gatos Creek; and on the West by lands of A. F.Fleming; Containing 9 1/2 acres of land and being a part of the Los Coches Rancho,about 1 1/2 miles South West of the Narrow Gauge Depot on the Almaden Road.

That it is my intention to use and claim the said lot of land and premises above described,with the dwelling house thereon,and appurtenances as a homestead; and I hereby select and claim the same as a homestead; I do declare that I have not heretofore made a declaration of homestead and I declare that my husband has not heretofore made a declaration of homestead and I therefore make this declaration of Homestead for the joint benefit of myself and husband.

I estimate the cash value of said property to be $5000.oo

Acknd. August 10th.1892.

Before S.B.Caldwell,N.P.

Recorded August 10th.1892.

Book G of Homesteads,Page 209.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

## T A X E S

## S T A T E  A N D  C O U N T Y

Fiscal years,

| | | |
|---|---|---|
| 1884-85 | ) | |
| | ) | |
| ___ to ___ | ) | PAID |
| | ) | |
| 1891-92 | ) | |
| 1892-93 | | NOW A LIEN |

## N O  J U D G M E N T  L I E N S

The foregoing CONTINUATION consisting of pages 87 to 100 inclusive, made at SAN JOSE, Cal, September Third, 1892 at 9 o'clock A.M.

SAN JOSE ABSTRACT, TITLE AND TRUST COMPANY,

By J C Edwards Manager

SAN JOSE ABSTRACT TITLE & TRUST CO
SAN JOSE, CAL

# Continuation
## of
# Foregoing Abstract,

AS TO

THE INTEREST OF

GEORGE MADDEN,

SAN JOSE ABSTRACT TITLE & TRUST CO
SAN JOSE, CAL.

James Madden,

TO

George Madden,

DEED

Dated September 7th.1892.

Cons.$6000.oo

Grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all that certain lot, piece or parcel of land situate in the County of Santa Clara, bounded and described as follows, to wit:

Bounded on the North by lands of W.F.Smith and Marcellus Ross; on the West by lands of Fleming; on the South by lands of F.Conant and Moore and the new channel of the Los Gatos Creek; and on the East by the new channel of the Los Gatos Creek and the Meridian Road. Containing 9 1/2 acres, more or less, Excepting herefrom, a strip of land 30 feet wide South of and parallel to the South boundary of lands of Smith & Ross, following the directinn Westerly as now used for a right of way extending the full length of above described land. Said strip of land being reserved for the purposes of a road and for a perpetual right of way, and reserving unto said second party a perpetual right of way over the above described strip 30 feet wide, from the Meridian Road to the Wesrern line of the original former Madden Tract of 50 acres.

All of said land being a part of Los Coches Rancho.

Acknd. September 13th.1892

SAN JOSE ABSTRACT TITLE & TRUST CO
SAN JOSE, CAL.

Before Will S.Clayton, N.P.

Recorded September 14th.1892

Book 151 of Deeds,Page 210.

## TAXES

## STATE AND COUNTY

Fiscal years,

1892-93 DUE AND PAYABLE,

## NO JUDGMENT LIENS

The foregoing CONTINUATION consisting of pages 101 to 104, inclusive, made at SAN JOSE, CAL. October 31st. 1892 at 9 o'clock A.M.

SAN JOSE ABSTRACT, TITLE AND TRUST COMPANY,

By J. C. Edwards Manager

SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

# Continuation of The Foregoing Abstract.

AS TO

The interest of Caroline Madden.

George Madden and

Caroline Madden, his wife,

To

Joseph Basile.

DEED.

Dated October 22,1892

Cons. $10.

Doth grant, bargain, sell, convey and confirm unto the second party, and to his heirs and assigns forever, all that parcel of land situate in the County of Santa Clara, described as follows:

Beginning at the North Easternmost corner of the 10.30 acres, part of the original Madden Tract in the Los Coches Rancho sold by George and James Madden to George A.Fleming by deed of January 28,1884 and recorded in Book 72 of Deeds at page 123, Santa Clara County Records, said corner being in the Southern line of and distant 45 1/2 lks Easterly from the South West corner of A. M. Smith's lands and from which corner a 2" x 3" redwood stake marked J.B.1 and standing at the point of intersection of the East line of George A.Flemings land with the Southern line of the 30 feet right of way leading to the Meridian Road bears S 0° 40' E 30 feet and running thence along the South line of said Smith's land N 89° 30' E 2.49 1/2 chs to a point from which a witness post set in the South line of the aforesaid 30 feet right of way bears S0° 40' E 30 feet; thence parallel to the Eastern line of the

above mentioned Geo. A.Fleming's 10.30 acre tract S 0° 40' E 15.73 chs to a stake in the center line of the Los Gatos Creek channel, from which stake a witness post set on high North Western bank of said creek and marked W.P.J.B.3 bears N 0° 40' W 1.10 1/2 chs; thence up the center line of said Los Gatos Creek S 57° 56' W 2.96 1/2 chs to a stake marked J.B.4 at the South Eastern corner of said George A.Fleming's 10.30 acre tract and from which stake a 2" x 3" redwood witness post standing on North West bank of said creek and marked W.P.J.B.4 bears N 0° 40' W 80 lks; and thence along the East line of said George A. Fleming's 10.30 acre tract N 0° 40' W 17.25 1/2 chs to the point of beginning.

Containing 4.11 acres and being a part of the Madden Tract in the Los Coches Rancho.

Courses True. Var. 16° 47' E.

Surveyed October 1892 by Herrmann Bros.

Excepting and reserving from the above described lands for the purpose of a perpetual right of way a strip of land 30 feet wide lying South of and along the land of A.M.Smith, and granting to second party and to his assigns, the perpetual right of way for the purpose of a roadway from the public road known as the Meridian Road to above described 4 acre tract over the lands of first party.

Acknd. October 28,1892

By Caroline Madden (wife of George Madden)

Acknd. October 29,1892

By George Madden .

Both before Wesley Pieper N.P.

Recorded November 4,1892

Liber 153 of Deeds Page 210.

N O T E : Grantee's interest not searched.

IN THE SUPERIOR COURT , COUNTY OF SANTA CLARA,

STATE OF CALIFORNIA.

In the Matter of the Estate

of

George Madden, deceased.

Estate No. 3620. Reg. I page 412

1896

May 20 Will of George Madden deceased, filed, a copy of which is as follows:

In the name of God, Amen: I, George Madden of San Jose, County of Santa Clara, State of California of the age of sixty six years, and being of sound and disposing mind, and memory, and not acting under duress, menace fraud, or undue influence of any person whatever, do make, publish and declare this my last will and testament in the manner following that is to say:

First: All my heirs are my wife Caroline Madden, and my daughter Martha Albertina Madden, aged fifteen years; and all the property that I have I inherited from my father's estate.

Secondly: I give and bequeath unto my wife Caroline Madden, and to my daughter Martha Albertina Madden equally, the orchard of five and one half acres situated on Meridian Road, between Madden lane and Los Gatos Creek, and give unto my wife Caroline Madden the income from the whole of said orchard as

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

1896

long as she lives.

Thirdly: I give and bequeath unto my daughter Martha Albertina Madden the house and lot situated on Madden Avenue, adjoining the house of James Madden, between Race Street and Renee Avenue, near the City of San Jose, Cal.

Fourthly: I give and bequeath unto my brother James Madden, my horse and wagon and the grain growing on lots on Madden Avenue.

Fifthly: All the rest and residue of my estate I give equally to my wife Caroline, and my daughter Martha Albertina Madden, share and share alike.

Lastly: I hereby nominate and appoint Will S. Clayton, the Executor of this my last will and testament, to serve without bonds, and hereby revoke all former wills by me made.

In witness whereof I have hereunto set my hand and seal this Eleventh day of May in the year of our Lord one thousand eight hundred and ninety-six.

(sgd) George his + mark Madden (Seal)

George Madden being unable to write he made his mark in my presence and I wrote his name at his request and in his presence.

Will S. Clayton.

Subscribing witnesses to execution of will,

Clara Madden, residing at San Jose, Cal.

John Madden, residing at San Jose, Cal.

1896

May 20 Petition of Will S. Clayton for Probate of Will, filed. Shows:

That George Madden, died on or about the 14th day of May 1896 , at the County of Santa Clara, State of California, and at the time of his death was a resident of said County and State and left estate therein consisting of real and personal property, the character and value of which is as follows:

An Orchard of 5 1/2 acres situate on the Meridian Road between Madden lane and Los Gatos Creek, valued at $2500.

One house and lot situate on Madden Avenue, adjoining the house of James Madden, between Race and Street and Renee Avenue, near the City of San Jose Valued at $1500.

And certain personal property of the value of $650.

That the estate and effects do not exceed the value of $4650.

That said deceased left a will bearing date May 11th 1896, in possession of petitioner which he believes and alleges is the last will and testament of said deceased, which is herewith presented to said Superior Court.

That your petitioner is named in said will as Executor thereof and Caroline Madden aged about 50 years, residing at said County and State, widow of

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

of said deceased and Martha Albertina Madden, daughter of said deceased aged 15 years, and James Madden ___ named therein as devisees.

That the next of kin and heirs at law of said testator and the name, age and residence of said heirs ___ Caroline Madden aged 50 years and Martha Albertina Madden, aged 15 years both residing at said County and State.

That at the time said will was executed testator was of the age of 66 years and was of sound and disposing mind and in every respect competent by last will to dispose of all his estate.

Prays that said will may be admitted to probate and Letters Testamentary thereon issue to petitioner.

(sgd) Will S. Clayton.

Jno. H. Moore,

Atty for Petitioner.

May 20 Clerk's office entry filed. June 5th 1896 at 10 o'clock A.M. fixed for hearing foregoing petition.

May 22 Affidavit of W. Denker of mailing notice to heirs filed, deposes: That on May 22d 1896, he deposited in the U.S.Post Office a true copy of within notice (Clerk's notice of time and place for hearing petition for probate of Will) enclosed in an envelope, with postage prepaid thereon addressed to Caroline Madden, San Jose, Santa Clara County,

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| 1896 | Calif. and Martha Albertina Madden, San Jose, Santa Clara Co. Calif.<br>Subscribed and sworn to May 22d 1896. |
| June 5 | Affidavit of H. A. De Lacy principal clerk of the San Jose Mercury Publishing and Printing Company, the printers of the San Jose Daily Mercury a daily newspaper of publication of Notice of time set for probate of will, in said newspaper, for 15 successive days from May 22d 1896 to June 5th 1896, every day, first and last dates included.<br>Subscribed and sworn to June 5th 1896. |
| June 5 | Testimony on probate of will taken and filed. |
| June 5 | Certificate of proof of will made, certified and filed. |
| June 5 | Order made, entered and filed, admitting will to probate and appointing Will S. Clayton Executor, thereof, and directing Letters Testamentary to issue to him upon taking the oath required by law.<br>Record 50 p.88. |
| June 5 | Will roll made and filed and will recorded in Book I of Wills page 431. |
| June 5 | Order entered and filed appointing J. R. Russell W. L. Pieper, and John Madden, Appraisers.<br>Record 54 p.226. |

1896

June 8 Letters Testamentary issued, copy of Letters with oath annexed filed and recorded June 9,1896 in Book F of Letters Testamentary page 196.

June 9 Order of publication of Notice to Creditors entered and filed. Record 44 p.471.

June 9 Letters of Appraisement issued.

June 13 Inventory and appraisement filed. Shows:

| | |
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| Money | $88.87 |
| Personal property | $446.50 |

Real Property.

The Home place, consisting of 5 acres of orchard, bounded North by Madden Lane, West by land of Basile South and East by center of the new channel of the Los Gatos Creek and East by the Meridian Road.

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| Appraised at | $3500.oo |
| Improvements thereon appraised at | 100.oo |
| (and other property) Total | $5330.37 |

All of which is separate property.

(Duly verified)

Sept.14 Affidavit of Delbert E. Williams, principal clerk of the printers of the San Jose Daily Herald, a daily newspaper published and printed in the City of San Jose, of publication of Notice to Creditors in said newspaper for four successive weeks from June 10th 1896 to July 16th 1896 inclusive, every

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| 1896 | day, Sundays and legal holidays excepted, filed. Subscribed and sworn to Sept.14th 1896. |
| Oct.13 | Final Account of Executor with vouchers filed. |
| Oct 13 | Petition for distribution of estate, filed. Recites previous proceedings had, and shows: That all the debts of said deceased and of said estate and all the expenses of administration thus far incurred and all taxes that have attached or accrued against said estate have been paid and discharged, and said estate is now in a condition to be closed, and refers to Schedule "A" hereto annexed and made part of the petition for a description of the residue of said estate. That said George Madden died testate in said County of Santa Clara, on May 14th 1896, leaving him surviving Caroline Madden, wife of deceased and Martha Albertina Madden, daughter of deceased, and James Madden brother of deceased, who are made legatees of said estate under the will of deceased. That the said Caroline Madden, Martha Albertina Madden and James Madden are entitled to the residue of said estate. Prays that the administration of said estate be brought to a close, that he be discharged, as such Executor that after due notice given and proceedings had, the estate in hands of petitioner be distributed to the parties entitled thereto as aforesaid. |

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| 1896 | to Caroline Madden, Albertina Madden and James Madden as said will directs.<br>N o t e : There is no exhibit marked "A" showing residue of estate, attached to foregoing petition for distribution. |
| Oct 13 | Order entered and filed. Friday October 23d 1896 at 10 o'clock A.M. fixed for hearing on settlement of final account and petition for distribution, ten days notice thereof to be given by the Clerk by posting.<br>Record 50 p.419. |
| Oct 13 | Clerk's entry filed. October 23d 1896 at 10 A.M. fixed for hearing on settlement of final account and petition for distribution. |
| Oct 15 | Affidavit of F. A. Schilling of posting on Octr. 13th 1896, true copies of notice for hearing on settlement of final account and petition for distribution in three of the most public places (naming them) within said County of Santa Clara, filed.<br>Subscribed and sworn to October 15th 1896 |
| Oct 23 | Decree of settlement of final account of Executor, entered and filed. Record 47 p.544. |
| Oct 23 | Decree of Distribution of estate made, entered and filed.<br>Ordered adjudged and decreed that the said final |

1896 account of the Executor be and the same is hereby finally settled, allowed and approved, and that the residue of said estate hereinafter particularly described and any other property not now known or discovered which may belong to the said estate or in which the said estate may have any interest be and the same is hereby distributed as follows:

To Caroline Madden, Martha Albertina Madden and James Madden , legatees aforesaid.

The following is a particular description of the said residue of said estate referred to in this decree and of which distribution is now ordered as aforesaid.

To Caroline Madden and ____ Albertina Madden equally, the orchard of 5 1/2 acres situate on the Meridian Road between Madden lane and Los Gatos Creek. And to Caroline Madden the income from the whole of said Orchard as long as she lives.

And to James Madden (certain personal property) And to Caroline Madden and ____ Albertina Madden any and all the rest and residue of my estate should any be discovered, share and share alike. Record 48 p.556.

John Reynolds,

Judge.

Nov.13 Receipts of distributees filed.

Nov 13 Decree of final discharge of Executor entered and filed. Record 47 p.637

1896

N o t e : A certified copy of foregoing Decree of Distribution recorded in County Recorder's Office of Santa Clara County, October 24th 1896 in Book 195 of Deeds page 75.

Superior Court

of the

County of Santa Clara,

In the Matter of the Estate

of

Martha Albertina Madden,

Deceased.

Reg. J Page 51. Estate 3824.

1897

May 13 Petition of W. S. Clayton for Letters of Administration filed.

Shows: That Martha Albertina Madden died on or about May 8,1897 in the County of Santa Clara,State of California, being at the time of her death a resident thereof and leaving estate therein consisting of real property, the value and character of which are as follows:

One house and lot on Madden Avenue valued at $1200.oo and one half of 5 acres of land on Meridian Road valued at $1250.oo.

That the estate and effects do not exceed the value of $2500.oo .

That the next of kin and heir at law of said deceased is Caroline Madden aged 50 years and "James Madden and John Madden uncles of said deceased",all of Santa Clara Co. Cal.

1897 That due search and inquiry have been made to ascertain if said deceased left any will and testament, but none has been found and according to the best knowledge, information and belief of petitioner said deceased died intestate.

That petitioner W. S. Clayton being requested by Caroline Madden mother of said deceased to administer upon the Estate of Martha Albertina Madden, therefore believes he is entitled to Letters of Administration.

Prays for Letters of Administration.

Dated May 13,1897. (sgd) W. S. Clayton.

J.H. Moore, Atty for Petitioner.

May 13 Request of Caroline Madden mother and heir of Martha Albertina Madden deceased for appointment of W. S. Clayton as Administrator of said Estate, filed

May 13 Clerk's Notice showing appointment of May 28, 1897 for hearing upon said Petition filed.

May 18 Affidavit of J. M. Shilue of posting on May 17, 1897 exact and true copies of the Notice of time an and place appointed for hearing upon said petition in three of the most public places in said County of Santa Clara (naming them) filed:

May 28 Order appointing W. S. Clayton Administrator of the estate of said deceased and directing Letters of Administration to be issued to him upon taking

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| 1897 | the oath and giving a bond according to law in the sum of $600.00 made, entered and filed. Pro.Rec.50 p.270. |
| June 8 | Bond of Administrator approved June 7th 1897 and filed. Recorded Book G page 285. |
| June 8 | Letters of Administration (with oath annexed) issued to W. S. Clayton and filed. Recorded Book F of Letters page 310. |
| June 8 | Order appointing Samuel E. Moreland, Wesley Pieper and Frank C. Scherrer appraisers, made entered and filed. Pro. Record 54 p.288. |
| June 23 | Order of Publication of Notice to Creditors in some newspaper printed and published in said County of Santa Clara at least once a week for four weeks made, entered and filed. Pro.Rec.56 p.34. |
| Nov.13 | Affidavit of H. A. De Lacy principal clerk of the San Jose Mercury Publishing and printing Company, the printers of the San Jose Daily Mercury, of publication of Notice to Creditors in said newspaper daily, for four successive weeks, from June 24, 1897 to July 24, 1897 inclusive, filed. |
| Nov 13 | Inventory and Appraisement filed. Real Estate. The undivided one half of five acres of land on the |

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| 1897 | South West corner of Meridian Road and Mc Kinley Avenue, bounded on the North by Mc Kinley Avenue, on the West by land of Basile, on the South by Los Gatos Creek and East by Los Gatos Creek and Meridian Road. |
| | Valued at $1500.oo |
| | Improvements 125.oo |
| | (and other property) |
| | Total appraised value $2475.oo |
| | The estate mentioned in the foregoing inventory is separate property. |
| | (Duly verified) |
| Dec 2 | Final Account of Administrator filed. |
| Dec.2 | Vouchers filed. |
| Dec 2 | Petition of Will S. Clayton, Administrator &c. for settlement of Final Account and Distribution of Estate, filed. |
| | Shows: (Previous Proceedings) |
| | That all the debts of said deceased and of said estate and all the expenses of the administration thereof thus far incurred, and all taxes that have attached to or accrued against said estate, have been paid and discharged and said estate is now in a condition to be closed. |
| | That the residue of said estate now remaining in petitioner's hands is fully set forth and descri- |

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| 1897 | bed in the Schedule marked "A" hereunto annexed and made a part of the petition.<br>That the whole of said estate is the separate property of said deceased.<br>That said Martha Albertina Madden died intestate in said County of Santa Clara on May 8,1897 leaving her surviving as sole heir, her mother Caroline Madden, who is entitled to have distributed to her, the residue of said estate and the whole thereof.<br>Prays that the administration of said estate may be brought to a close and that he may be discharged from his trust as such Administrator,<br>That after due notice given and proceedings had, the estate remaining in his hands as aforesaid,may be distributed to said Caroline Madden,the mother of said deceased.<br>Dated Dec.2,1897. (sgd) Jno. H. Moore,<br>Atty for Petitioner.<br>Schedule "A" to foregoing Petition contains a description of the residue of said estate,to wit:<br>Real Estate<br>One half of five acres of land on Meridian Road,<br>Valued at $1250.oo<br>(and other property) |
| Dec.2 | Clerk's Notice showing appointment of Dec.17, 1897 for the settlement of said Final Account and |

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| 1897 | hearing upon said Petition for Distribution, filed. |
| Dec.7 | Affidavit of J.M. Shilue of posting on December 6, 1897 exact and true copies of the Notice of time and place appointed for the settlement of said Final Account and hearing upon said petition for Distribution, in three of the most public places in said County of Santa Clara, (naming them) filed. |
| Dec.17 | Order settling Final Account and distributing Estate made and entered. Pro.Rec.60 p.106. |
| Dec.24 | Decree establishing Due and Legal Notice to Creditors made, entered and filed. Pro.Rec.56 p.328 |
| Dec.24 | Decree of Settlement of Final Account and Distribution of Estate, filed and entered. Pro.Rec.59 p.104 |

Ordered, adjudged and decreed that the said Final Account of said Administrator be and the same is hereby finally settled, allowed and approved, and that the residue of said estate hereinafter particularly described and any other property not now known or discovered, which may belong to the said estate, or in which the said estate may have any interest be and the same is hereby distributed as follows:

To said Caroline Madden, mother of said decedent the whole of the residue of said estate.

The following is a description of said residue of

| | |
|---|---|
| 1897 | said estate referred to in this decree and of which distribution is now ordered as aforesaid. |
| | The undivided one half of five acres ofland on the South West corner of the Meridian Road and McKinley Avenue, bounded on the North by McKinley Avenue; on the West by land of Basile, on the South by Los Gatos Creek, and on the East by Los Gatos Creek, and the Meridian Road, and situate in Santa Clara County, State of California. |
| | (and other property) |
| | (sgd) M. H. Hyland, Judge. |
| | N O T E : A certified copy of foregoing Decree was recorded in the office of the County Recorder of Santa Clara County, Cal. on December 24,1897 in Liber 206 of Deeds page 72. |
| 1898 | |
| July 29 | Receipt of Distributee on Distribution filed. |
| July 29 | Decree of Final Discharge of Administrator made, entered and filed. |
| | Pro. Rec.58 p.360. |

Caroline Madden (widow)

of the first part,

W. S. Clayton

of the second part,

Sadie Knoop,

of the third part.

## D E E D  O F  T R U S T.

Dated November 30, 1897

To secure to third party the payment of a promissory note of even date herewith for the sum of Seven Hundred ($700.00) Dollars in two years with interest at the rate and times therein specified . Also the payment of such additional sums &c.

Conveys to second party, his successors or assigns the real property situate in the County of Santa Clara, described as follows:

Bounded North by the land of W. L. Smith; on the East by the Meridian Road and the center line of the Los Gatos Creek on the South by the center line of the Los Gatos Creek, and on the West by lands heretofore conveyed by George Madden and Caroline Madden to Joseph Basile.

Containing 5 acres more or less.

(and other property)

Upon trust to reconvey all the estate in the premises to first party in case payment be made of all sums due third party and if default be made in any such payments, second party to sell above granted premises at public auction after

giving due public notice.

Acknd. Nov.30,1897

Before Wesley Pieper N.P.

Recorded December 2,1897

Liber L of Trust Deeds page 180.

## T A X E S .

### S T A T E AND C O U N T Y .

5 acres more or less, Los Coches Rancho.

Property of Caroline Madden.

Fiscal years

1892 - 93 )
)
To : PAID.
)
1898 - 99 )

1899 - 1900 Due and Payable.

## N O J U D G M E N T L I E N S .

The foregoing Continuation consisting of pages 105 to 128 inclusive, made at SAN JOSE, CALIFORNIA, OCTOBER Fourteenth 1899, at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY.

By J M Pitman Manager.

# Continuation of The Foregoing Abstract.

AS TO

The interest of Caroline Madden.

Nothing Further.

## TAXES.

## STATE AND COUNTY.

Fiscal years

1899 - 1900 All Paid.

## NO JUDGMENT LIENS.

The foregoing Continuation consisting of pages 129 and 130, made at SAN JOSE, CALIFORNIA, JANUARY NINTH 1900, at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY.

By J. C. Edwards Manager.